

JEFFERSON COUNTY COMMISSIONERS  
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

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**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
September 13, 2005**

**Present:** Commissioners Lythgoe and Weber; Harold Stepper, County Planner; Bonnie Ramey, Clerk and Recorder; Jay Cole, Weed Coordinator; Ben Sautter, Road Supervisor; Cyd Kriezwald and DD Craft, MEA-MFT union reps, Jan Anderson, *Boulder Monitor/Jefferson County Courier*

**Absent:** Commissioner Notbohm

**REPORTS**

Receipt of August Clerk and Recorder fees report.

Receipt of August cash report from Treasurer.

Receipt of August expense and revenue reports.

**CALENDAR REVIEW**

- 9/14 JLDC annual dinner - Basin - 6:00
- 9/15 Meeting with Governor re: CEP - 9:00
  - Headwaters - Butte - 1:00
  - RMDC - Helena - 3:30
  - On-site visit of Spring Creek - 4:00
  - MTAG - 5:00
  - Solid Waste Board - 7:00
- 9/19 Golden Triangle - Great Falls - 10:00

**COMMISSION REPORTS**

**JOB CORPS**

Commissioner Lythgoe reported that he and Ben Sautter met with Jack Hancock of Job Corps regarding the Bernice project. They came up with a good plan to mitigate the current problems. The project won't be completed until next spring.

### OLD VIRGINIA CITY ROAD

Commissioner Lythgoe reported that he had a meeting with Wayne Babcock, a homeowner in Stoney Brook Subdivision. He would like part of the old Virginia City Road to be abandoned. Commissioner Lythgoe stated that he and Ben looked at the road in question. The other access issue in the area seems to have been resolved. Commissioner Lythgoe stated that, after looking at the road, he will have Wayne talk to Bonnie and bring something forward.

### BUDGET

Commissioner Lythgoe stated that the preliminary budget hearing was held on the previous Thursday, at which time several changes were made to the budget. He stated that the final budget hearing would be held later that day.

### 9-1-1

Commissioner Lythgoe stated that a 9-1-1 meeting was held on Thursday night. At that time, they formulated a plan to dispatch all 9-1-1 calls from Boulder by October 31<sup>st</sup>.

### SAFETY DAY

Commissioner Lythgoe reported that Safety Day was the previous day. He is not sure how many there were for lunch.

### ELECTED OFFICIAL/DEPARTMENT HEAD CONCERNS

Commissioner Weber stated that he got a call from Jay Cole, the weed coordination. The Weed Board is trying to hire a full-time coordinator, and one of the top five applicants wouldn't even come for an interview because the county insurance isn't up to par. This might be something to think about in the future. Jay stated that this was the first person that he called for an interview, and the applicant's first question was about the county insurance.

### CORRESPONDENCE

Commissioner Lythgoe moved to sign the DES Statement of Work for FY 2006. Commissioner Weber seconded. The motion carried.

### SUBDIVISION REVIEW

#### FINAL PLAT APPROVAL - PALMER MINOR SUBDIVISION

Harold Stepper, County Planner, presented his staff report and recommended that final plat approval be granted. Commissioner Lythgoe moved to grant final plat approval to the Palmer Minor Subdivision. Commissioner Weber seconded. The motion carried.

#### HIGHLANDER PARK MAJOR SUBDIVISION ROAD REVISION

Harold stated that he was expecting the developer to be in attendance, but he is not here. They have been having problems since preliminary plat approval with some steep grades, and they are proposing to come in off of the middle road and making a frontage road along the highway with

cul-de-sacs on both sides. Harold stated that it seems like a good plan. He would ask that they submit another plat, and they were supposed to bring a revised plat today. Commissioner Weber asked if they are just running late. Harold stated that he is not sure, but they were aware that this was on the agenda for today. Commissioner Weber asked if this will affect the canal or fencing. Harold stated that it would not.

Commissioner Weber moved to grant approval of the road revision, upon receipt of a revised plat and approval of that plat by Harold. Commissioner Lythgoe seconded. The motion carried.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### **SIGN PREDATORY ANIMAL MOU**

Commissioner Lythgoe stated that this is an agreement for predator control, based on the number of sheep in the county, and is something that is signed yearly. Commissioner Weber moved to allow the Commission Chair to enter into the agreement. Commissioner Lythgoe seconded. The motion carried.

### **APPOINT BOARD MEMBERS**

Commissioner Lythgoe stated that they are not ready to take action at this time, and this item will be put on the next agenda.

### **SIGN UNION CONTRACTS**

Cyd and DD presented a signature page for the MEA-MFT contract. Commissioner Lythgoe stated that he has a bit of a problem with signing a blank page. Cyd stated that the contract hasn't been printed yet. Commissioner Weber noted that the other union's contract had to be sent back because there were some typos. Cyd stated that she would get a copy of the contract for the Commission's review.

The Teamsters contract was presented for approval. Commissioner Weber moved to sign the contract. Commissioner Lythgoe seconded. The motion carried.

Cyd returned with copies of the contract, and stated that the only changes are the dates in the preamble, and in a couple other places. There is also a change in the uniform allowance, and appendix A and B are new. Commissioner Lythgoe moved to sign the collective bargaining agreement between Jefferson County and MEA-MFT. Commissioner Weber seconded. The motion carried.

### **ADOPT FINAL BUDGET**

Commissioner Lythgoe asked if there were any revisions that need to be made before they adopt the final budget.

Bonnie stated that at the preliminary budget meeting the Commission agreed to fund the maintenance department for a dumb waiter. She hasn't gotten a figure for that project yet. Her

suggestion would be that since PILT will be used for this, they should leave the budget as is and add the PILT monies when Cathi gets a firm figure. Also, at the City of Boulder meeting the previous night, the city did not budget anything for the dispatch contract. She has already budgeted the revenue, so this may affect the budget. Commissioner Lythgoe asked DD Craft, Mayor of Boulder, for input. DD stated that this agreement has been done in the past on basically a handshake. Because of the financial position of the town at this time, they are not going to budget the \$7,000. He wants to sit down with Craig and discuss this. He stated that the County needs to remember that they get water and sewer for the law enforcement building and jail free, and with the recent increases, this equals approximately \$14,000. This is not to slam the door on the contract, but he wants to sit with Craig and maybe a Commissioner and work this out. DD also stated that when he was first elected mayor, the city was getting \$3,000 a year from the County for emergency services, and this went to the ambulance. This has stopped in recent years. He stated that the City is in the same position - the money is in the budget, but there is no money coming in. He would really appreciate a meeting. Commissioner Lythgoe stated that it seems appropriate to have a meeting to discuss these issues.

Bonnie stated that it is a little late in the process to make a change. Also, in the past the County budgeted money for the Boulder and Whitehall ambulances. Several years ago, Boulder never submitted a claim for that money. The following year, neither Boulder or Whitehall submitted a claim. These monies were cut out of the budget the following year. Commissioner Weber asked if they need to put \$7,000 from PILT into the budget to cover the shortfall. Commissioner Lythgoe stated that this will not be necessary.

Bonnie stated another change will be to take the economic development agent position back to full time. This will be \$26,335, which is still based on 65% of her salary. There will also need to be a payout, but she has budgeted the 65% for the entire year. Three months have already passed, and traditionally it takes some time to get someone hired, so hopefully what is in the budget will cover the payout and salary for the remainder of the budget year.

Ben Sautter, Road Supervisor, stated that there are two items, as far as line items, that need to be added in the road budget. One is permitting, which needs \$3,000 more and the other is erosion control, which needs \$4,000. He will add the same line items in the bridge budget, but move money into those line items from elsewhere in the budget.

Commissioner Weber moved to grant Commissioner Lythgoe authority to meet with DD Craft and Craig regarding contracts for shared services. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to adopt the final budget, with revisions as stated by Bonnie and Ben, \$0 in the dispatch contract line item, and \$3,000 from PILT to permitting and \$4,000 from PILT to erosion control within the road budget. Commissioner Lythgoe seconded. The motion carried.

RESOLUTION 28-2005 ADOPT FINAL BUDGET AND SET LEVIES

Commissioner Lythgoe read the resolution as follows:

**RESOLUTION 28-2005**

**ADOPT FINAL BUDGET  
AND  
FIX TAX LEVIES FOR JEFFERSON COUNTY  
FISCAL YEAR 2005-2006**

**WHEREAS**, the Board of County Commissioners of Jefferson County, Montana, has compiled and reviewed the proposed budgets for fiscal year 2005-2006 as required by law; and,

**WHEREAS**, the value of a mill has been determined as \$19,233 county-wide and a value of \$17,433 outside the city limits, with other values as stated and certified by the Department of Revenue of the State of Montana,

**NOW, THEREFORE, BE IT RESOLVED** that the final budgets for fiscal year 2005-2006, which budget document is on file in the Clerk and Recorder's office, is approved and adopted and is, by this reference, incorporated herein; and

**BE IT FURTHER RESOLVED** that the Board does hereby fix the following levies to fund said budgets:

GENERAL	19.67
ROAD	15.56
BRIDGE	5.12
WEED	2.94
FAIR	1.38
DISTRICT COURT	7.94
LIBRARY	11.91
PLANNING BOARD	1.54
HEALTH AND SANITATION	6.18
SENIOR CITIZENS	2.09
PUBLIC SAFETY	41.59
MUSEUM	0.46
EMPLOYEE GROUP HEALTH	3.23

ENTITLEMENT LEVY	3.31
SEARCH AND RESCUE	0.00
<u>SPECIAL DISTRICT LEVIES</u>	
MOSQUITO #1 - BOULDER	2.24
MOSQUITO #2 - BOULDER VALLEY	9.48
MOSQUITO #3 - WHITEHALL	7.31
JEFFERSON VALLEY RURAL FIRE	14.15
MONTANA CITY FIRE	16.52
JEFFERSON CITY FIRE	21.04
BASIN FIRE	29.61
BULL MOUNTAIN FIRE	26.79
ELK PARK RURAL FIRE	38.19
JEFFERSON VALLEY SOIL & WATER	1.57
BASIN WATER & SEWER	443.81
BASIN IMPROVEMENTS	13.82
 <u>CITY LEVIES</u>	
TOWN OF BOULDER	159.36
 <u>SPECIAL ASSESSMENT DISTRICTS</u>	
SHEEP PREDATORY ANIMAL (per animal)	\$ .60
CLANCY FIRE SERVICE AREA	\$ 55.00
BASIN TV	\$ 20.00
BOULDER TV	\$ 8.00
BOULDER TV-COMMERCIAL	\$ 15.00
WHITEHALL TV	\$ 20.00
SOLID WASTE	\$129.69
LIME KILN RD IMPROVEMENT DIST	\$350.00

**BE IT FURTHER RESOLVED** that an additional, annual assessment, as provided for

in §7-22-2432, MCA, and as approved by the voters of the district on June 2, 1992, is hereby imposed upon the owners of structures and properties within the Boulder Mosquito District #1, as follows:

- (a) \$20.00 per single-unit dwelling;
- (b) \$20.00 per unit in a duplex dwelling;
- (c) \$ 5.00 per unit in a multi-unit dwelling (other than a duplex);
- (d) \$75.00 per commercial establishment;
- (e) \$50.00 on each irrigated parcel of property that does not contain a dwelling;
- (f) \$15.00 on each non-irrigated parcel of property that does not contain a dwelling.

**WHEREAS**, §7-6-4031, MCA makes provision for the authorization of a designated official to transfer appropriations between items within the same fund; and

**WHEREAS**, §7-6-4006 (3), MCA makes provision for appropriation adjustments,

**NOW, THEREFORE, BE IT RESOLVED** that the Clerk and Recorder be designated to make budget transfers and adjustments with the approval of the governing body, and shall submit at minimum quarterly recommended budget transfers and adjustments.

**DATED** this 13<sup>th</sup> day of September, effective for Fiscal Year 2005-2006.

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**CHUCK NOTBOHM, COMMISSIONER**

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**KEN WEBER, COMMISSIONER**

Commissioner Lythgoe moved to adopt the resolution. Commissioner Weber seconded. The motion carried.

Commissioner Lythgoe stated that Commissioner Notbohm had requested that a letter be read into the minutes. Commissioner Lythgoe read the letter (attached).

#### DESIGNATE POLLING PLACES

Commissioner Lythgoe read a memo from the Clerk and Recorder requesting that they designate the following as polling places for the General Elections 2005:

City of Whitehall - Precinct 4 - Wards 1, 2 & 3 - Town Hall in Whitehall.

Commissioner Weber moved to designate the City of Whitehall Wards 1, 2 & 3 as the Town Hall in Whitehall. Commissioner Lythgoe seconded. The motion carried.

#### JOE SCHMAUS - REQUEST TO IMPROVE HOLMES GULCH ROAD AND INSTALLATION OF UTILITIES ALONG EASEMENT

Commissioner Lythgoe stated that Joe left a message with the Clerk and Recorder's office after the start of this meeting that he would not be able to attend the meeting, but would like the Commission to continue with the discussion. Ben stated that he is not sure what exactly Joe wants to do; he needs to fill out a permit. He is proposing some upgrades, but to what extent he doesn't know, and to what amount of road he doesn't know. Ben stated that he felt Joe should come before the whole board to discuss his plans. Commissioner Weber asked if Ben has a permit. Ben stated that he gave Joe a permit, and told him to bring it before the full board, as he is not comfortable with making this decision on his own. Commissioner Lythgoe stated that this isn't just a Ben and Joe decision. They have discussed this road in the past, and any proposed projects will take some discussion. He stated that if he were going to decide something today, without knowing what Joe wants, he would recommend that the road be brought up to county standards, width, surface, culverts and all.

This item will be re-agendized when Joe can be in attendance.

#### DISCUSS SPEED LIMIT ORDINANCE

Commissioner Lythgoe stated that as he has been looking at the MCA, they have some problems with this ordinance, due to 15 and 25 mph zones.

Matt stated that 15 or 25 mph zones are allowable in school zones, and he also thinks that McClellan Creek Road would qualify, as it is an urban district. 61-1-410 is an old statute and some definitions are a little off, but some circumstances still exist. He can think of two areas on his drive home that should be kept at 25 mph for safety, and these are on McClellan Creek and Saddle Mountain Drive. Matt stated that he feels the 25 mph districts need to be checked to see if they meet the requirements of statute. Currently, those posted at 25mph have traffic going 30-35 mph. His concern is that if they raise the speed limit, traffic will go just that much faster.

Commissioner Lythgoe stated that reading through the list of roads currently signed 25, he has a hard time seeing any as an urban district. Ben stated that the condition of the road, width, sight distance, etc., should also be considered. Commissioner Lythgoe asked what would happen if



someone appears in court with a ticket and challenges the urban district. Matt stated that he is comfortable with the urban districts, at least on the roads that he mentioned. If a road is hazardous at 35 mph, it is better to post it lower. There is also the ability to do a traffic study, it doesn't have to have the urban district designation.

Commissioner Weber asked that if a traffic study stated that a road is hazardous for whatever reason, the Commission has the ability to lower the speed limit. Matt stated that this is correct; the County is pretty much held to 35 mph, unless there is a traffic study or an urban district. Commissioner Lythgoe noted that they would need an engineer to do a study. Matt stated that he is not sure how many roads are on the list at 25 mph, but it may justify a study. He noted that only one ticket has been argued.

Ben stated that at the MACRS meeting they discussed getting a traffic and speed count and using the 80<sup>th</sup> percentile to set speed limits. For what it would cost to do a traffic study on one road, the County could purchase this tool to gather traffic and speed counts. Matt suggested that Ben check with other road superintendents to see if this is being done. However, statute does state that an engineered study is needed. Commissioner Lythgoe stated that there are other things that enter into a speed study, curves, grades, dips, etc., that this tool won't take into consideration. All places in statute talk about engineers. Matt stated that it has been streamlined in some counties. He suggested that Commissioner Lythgoe talk to the Department of Transportation to discuss this possibility.

Commissioner Lythgoe stated that in the meantime, they need to deal with what they have. Going back to the ordinance itself, there are two roads listed at 15 mph. One is 300 feet on either side of the Cargill Ranch. He asked if this is appropriate, as statute only talks about school and hospital zones. Ben stated that he doesn't see that this is any different from any other road. There is only one house. If they can't get to a 25 mph zone with houses 150 to 200 feet apart for a mile, he can't see how this would qualify.

Commissioner Lythgoe stated that the ordinance needs to state where all the 15 mph school zones are. Old Alhambra road doesn't allow for 15 mph, but it needs to go to 25. If they take Matt's interpretation of an urban district, there will be very few places in the county that will qualify. Ben stated that there are some, but not a lot. There needs to be something that would warrant posting a 25 mph zone if needed.

Commissioner Weber stated that they need to consider health, safety and welfare. They should request an opinion from the Attorney General if health, safety and welfare concerns would override the need for an engineered study. Commissioner Lythgoe stated that the Attorney General would probably kick it back to Matt to make a determination, which would be fine. He asked that Commissioner Weber sit down with Matt to draft a letter to the Attorney General.

Commissioner Lythgoe asked if they should leave the ordinance as it is for now, with the exception of the 15 mph zones, as they know the ordinance is out of line on those. Old Alhambra would go to 25 mph and Cedar Hills to 35 mph. They should also add the school

zones to the ordinance. Ben stated that it would be an advantage to keep Old Alhambra at 15 mph, as it is very narrow. He would like to leave it as it is, as there is a lot of traffic through there. Commissioner Lythgoe noted that most of the traffic is residents, and the road is a dead end. He would like to leave the ordinance as it is for now. Further study needs to be done. If they are going to designate certain roads as 25 mph zones, they need to get measurements, etc. he would like to get this right, as it has been wrong for so long.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**CHUCK NOTBOHM, COMMISSIONER**

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**KEN WEBER, COMMISSIONER**